

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MAXIMINO MACIAS, JR.,)	CASE NO. 3:02CV7624
)	
Petitioner,)	
)	
v.)	JUDGE PETER C. ECONOMUS
)	
STATE OF OHIO,)	
)	
Respondent.)	MEMORANDUM OPINION
)	AND ORDER

On December 27, 2002, Maximino Macias, Jr., filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his criminal conviction (Dkt. # 1). The case was referred to Magistrate Judge Patricia A. Hemann pursuant to Local Rule 74.2 (Dkt. # 19). On August 28, 2006, the Magistrate Judge recommended that Petitioner's application for habeas corpus be dismissed for lack of jurisdiction. (Dkt. # 25).

FED. R. CIV.P. 72(b) provides that objections to a report and recommendation must be filed within ten (10) days after service, but Petitioner has failed to timely file any such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932

F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, the Magistrate Judge's report and recommendation (Dkt. # 25) is hereby **ADOPTED** and Petitioner's writ of habeas corpus is **DISMISSED**. Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

/s/ Peter C. Economus - September 18, 2006
PETER C. ECONOMUS
UNITED STATES DISTRICT JUDGE